

FILED IN THE
U.S. DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

Jul 20, 2020

SEAN F. MCAVOY, CLERK

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

MICHAEL FENTON,

Petitioner,

v.

STATE OF WASHINGTON,

Respondent.

NO: 2:20-CV-174-RMP

ORDER OF DISMISSAL WITHOUT
PREJUDICE

Petitioner Michael Fenton, a prisoner at the Coyote Ridge Corrections Center, presented this *pro se* Petition for Writ of Habeas Corpus Under 28 U.S.C. § 2254 on May 13, 2020, without an application to proceed *in forma pauperis* or payment of the \$5.00 filing fee. ECF No. 1.

By Order filed June 10, 2020, the Court directed Petitioner to comply with Rule 3(a), Rules Governing Section 2254 Cases in the United States District Courts, by submitting a completed *in forma pauperis* application. ECF No. 5. In the alternative, Petitioner was advised that he could pay the full \$5.00 filing fee. Petitioner was cautioned that his failure to do so would result in the dismissal of

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1 this case. Petitioner has neither paid the filing fee nor sought *in forma pauperis*
2 status.

3 Accordingly, **IT IS HEREBY ORDERED** that this action is **DISMISSED**
4 **WITHOUT PREJUDICE** for failure to comply with the filing fee or *in forma*
5 *pauperis* requirements of Rule 3(a), Rules Governing Section 2254 Cases in the
6 United States District Courts. All pending motions are **DENIED AS MOOT**.

7 **IT IS SO ORDERED.** The District Court Clerk is directed to enter this
8 Order, enter judgment, provide a copy to Petitioner at his last known address, and
9 close the file. The Court certifies that any appeal from this decision could not be
10 taken in good faith, and there is no basis upon which to issue a certificate of
11 appealability. 28 U.S.C. § 2253(c); Fed. R. App. P. 22(b). A certificate of
12 appealability is therefore **DENIED**.

13 **DATED** July 20, 2020.

14
15 s/ Rosanna Malouf Peterson
16 ROSANNA MALOUF PETERSON
17 United States District Judge
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